

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JASON BLAINE STAATS,

Plaintiff,

v.

Case No. 2:17-cv-04581

WEST VIRGINIA DIVISION OF
CORRECTIONS AND REHABILITATION;
and OFFICER CHAD SMARR,

Defendants.

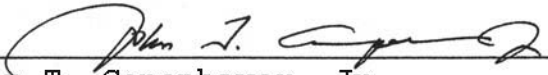
MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, entered on April 30, 2019; and the magistrate judge having recommended that the court deny the defendants' motion to dismiss and renewed motion to dismiss and that the action proceed to discovery; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that the findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein.

It is, accordingly, ORDERED that the defendants' motion to dismiss and renewed motion to dismiss (ECF Nos. 21, 24, 30) be, and they hereby are, denied.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: May 29, 2019



John T. Copenhaver, Jr.
Senior United States District Judge